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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,106	09/27/2001	Venkat Konda	M-12222 US	8102
38139	7590	08/16/2004	EXAMINER	
TEAK NETWORKS, INC. 6278 GRAND OAK WAY SAN JOSE, CA 95135			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	10
DATE MAILED: 08/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/967,106	KONDA, VENKAT
	Examiner	Art Unit
	Brian A Zimmerman	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 110-192 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 110-115, 131-136, 150-155 and 169-191 is/are allowed.
- 6) Claim(s) 116-130, 137-149, 156-168 and 192 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**EXAMINER'S RESPONSE**

**Status of Application**

In response to the applicant's amendment received on 6/80/4. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 116-130,137-149,156-168,192 are unpatentable for the reasons set forth in this office action:

***Allowable Subject Matter***

1. Claims 110-115,131-136,150-155 and 169-191 are allowed.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

2. Claims 137-149, 156-168, 192 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yang (5801641).

Yang shows a three stage non-blocking switching network meeting the physical limitations set forth in the claims. See figure 2b. Yang also shows limiting the fanout to r2. See col. 5 line 39. The example discussed by Yang on col. 7 line 41+ is a V(4,3,3) switch, noting that r2=3 imposes a fanout limit of 3 as claimed. Yang shows col. 8 lines 24+ that having a switch network that rearranges as little as possible is the desire

and purpose of their invention. It is noted that claims 118-125,139-144,158-163 and 192 include structural limitations in the preamble. The structural laminations do not, in this instance, breath meaning into the claimed method and are therefore not afforded patentable weight in the claims.

***Claim Rejections - 35 USC § 103***

3. Claims 116-130, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (5801641).

Yang shows a three stage non-blocking switching network meeting the physical limitations set forth in the claims. See figure 2b. Yang also shows limiting the fanout to  $r_2$ . See col. 5 line 39. The example discussed by Yang on col. 7 line 41+ is a  $V(4,3,3)$  switch network, noting that  $r_2=3$  imposes a fanout limit of 3. Yang does not expressly disclose an example of a switch network that meets the limitation of a fanout limit of 2, however Yang does suggest that  $r_2$  can be as small as 1, thus limiting the fanout to 1. Noting that this would not expressly be fanout since the signal would only be transmitted to one receiving station, the fanout limit would be 2 if the low-end switch network limits of Yang were followed. Yang shows col. 8 lines 24+ that having a switch network that rearranges as little as possible is the desire and purpose of their invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the lower limits of Yang's switch network size, and

thereby limiting the fanout to 2, as claimed, since such would provide cheaper, simple switch networks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ

